

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
_____)	

SPRINT COMMENTS

Luisa Lancetti
Vice President, Wireless Regulatory Affairs
Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
202-585-1923

Scott Freiermuth
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251
913-315-8521

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Summary

Sprint Corporation makes the following points in these comments:

1. Sprint supports NANC's "C2/A3" proposal, but submits that the interval can be further reduced without imposing additional costs. Sprint demonstrates that NANC's proposed interval can be reduced by another 24-36 hours. Under Sprint's proposal, a simple intermodal port request received between 7 a.m. and 2 p.m. on Monday could be activated as early as 12:01 a.m. on Tuesday.

2. There are other actions the FCC can take to improve the porting process for customers. NANC's interval proposal is a helpful development, but this proposal does not address the structural problems in today's porting process and, if left unaddressed, these problems will also undermine the potential benefits of any shortened interval adopted. Sprint therefore recommends that the FCC take the following steps to improve the porting process, both today and tomorrow.

(a) *The FCC should promptly remind all LECs that they must respond to wireless port requests in 24 hours.* The activation of many valid port requests is delayed because some LECs consistently fail to respond to wireless port requests within 24 hours – and some LECs never respond at all. Adopting shortened intervals will have little practical effect if some LECs consistently ignore existing intervals.

(b) *The FCC should standardize and simplify the validation process.* A high proportion of intermodal port requests are rejected (e.g., 50 to 70 percent). This high initial rejection rate is due largely to the fact that the validation fields that LECs use are not standardized and some LECs use too many validation fields which increases the opportunity for rejection. For example, a LEC may reject a wireless port request because it uses "Ct" rather than "Court" – when street address is not even necessary for validation. Standardizing and simplifying the validation process, more than any other step the FCC might take, would improve the number of intermodal ports that can be successfully completed on time.

(c) *The FCC should require all carriers to use the same LSOG version.* As NANC recognizes, it is "very expensive" to operate in an environment where so many different LSOG versions are utilized.

3. Sprint concurs with NANC's recommendation that industry be given 24 months to implement any new interval adopted. Implementation milestone reports should be submitted to NANC on a regular basis (e.g., every six months).

4. The FCC should enter a blanket waiver of its five-year LNP cost recovery rule so incumbent LECs have the opportunity to recover their costs "directly related" to implementing any new intermodal porting interval. Even with such a waiver, incumbent LECs would still have the burden of demonstrating their "but for" costs in the tariff process.

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SPRINT COMMENTS

Sprint Corporation submits these comments in response to the Second Further Notice of Proposed Rulemaking that seeks ways to reduce the interval used to complete intermodal port requests,¹ including a specific proposal made by the North American Numbering Council (“NANC”).²

Sprint supports NANC’s “C2/A3” proposal but, as discussed below, believes there is a way to further improve the intermodal interval without increasing carrier costs or administrative burdens. But, there are two important caveats concerning the subject of intermodal porting intervals that bear emphasis at the outset.

First, NANC’s proposal, like Sprint’s supplemental proposal, is limited to intermodal ports only and, in particular, to simple ports only.³ Complex ports involve customers with multiple lines or single lines involving special network configurations, such as Centrex, ISDN, AIN or

¹ See *Telephone Number Portability*, CC Docket No. 95-116, *Notice of Proposed Rulemaking*, FCC 04-217 (Sept. 16, 2004), *summarized in* 69 Fed. Reg. 61334 (Oct. 18, 2004)(“*Porting Interval NPRM*”).

² See NANC, Intermodal Porting Interval Issue Management Group, *NANC Report and Recommendation on Intermodal Porting Intervals* (May 3, 2004)(“NANC Report”).

³ See *id.* at 12.

line sharing (*e.g.*, DSL).⁴ Developing a “one size fits all” set of rules that includes the myriad of unique issues involved with implementing each complex port request is not possible.

Second, developing “hard” rules for even simple ports is a difficult task and is not recommended. Certainly, as reflected in these comments, Sprint supports a reduction in the intermodal porting interval and a more streamlined process; however, porting is a complex process involving often numerous parties and a great deal of information being passed through multiple systems. Errors or fallout will occur in certain cases. However, after one year’s experience with intermodal porting, it is apparent that some carriers are attempting in good faith to comply with existing guidelines, while other carriers have shown disregard for the guidelines. As such, Sprint recommends that the Commission set forth the reduced porting interval timeframes as guidelines and enforce such guidelines under the reasonableness standard of Section 201 of the Communications Act.⁵

⁴ See *id.* at 32-33 (definitions of complex and simple ports).

⁵ Sprint’s recommendation is consistent with the Commission’s position with respect to wireless-to-wireless porting intervals. See *Wireless Porting Order*, 18 FCC Rcd 20971, 20980 ¶ 26 (2003).

I. NANC’S PROPOSED “C2/A3” INTERVAL CAN BE FURTHER REDUCED BY ANOTHER 24-36 HOURS – AT NO EXTRA COST

Sprint supports NANC’s C2/A3 proposal, which would reduce the intermodal porting interval by up to 45 percent – from the current 96 hours to as low as 53 hours for simple ports.

Under this NANC proposal:

- The interval for the confirmation process would be reduced from 24 to five hours; and
- The interval for the activation process would be reduced from 72 hours to few as 48 hours.

This NANC proposal would impose minimal costs on LECs and their customers – estimated to approximate 30 cents (\$0.30) per LEC access line.⁶

Sprint submits that the porting interval guideline for simple ports can, and should, be reduced by another 24-36 hours. Under Sprint’s supplemental proposal:

- A port request received between 7 a.m. and 2 p.m. on Monday could be activated on Tuesday morning at 12:01 a.m. (if the wireless carrier changes to Tuesday the due date at NPAC); and
- A port request received after 2 p.m. on Monday could be activated on Wednesday morning at 12:01 a.m. (if the wireless carrier changes to Wednesday the due date at NPAC).

Importantly, Sprint’s proposal would impose no additional costs on LECs when compared to NANC’s A3 proposal.

For intermodal ports, a LEC’s activation of the 10-digit trigger is the time when calls to a porting customer are directed first to the LNP database to determine if the new network service provider has activated the port. Today, current LEC porting guidelines specify that the 10-digit trigger “shall be operational no later than 11:59 PM in the donor switch (ONSP) the date prior to

⁶ LECs served 181.4 million lines at the end of last year. See Industry Analysis & Technology Division, *Local Telephone Competition: Status as of December 31, 2003*, Table 1 (June 2004). NANC estimates that its C2/A3 proposal will collectively cost the ten largest LECs less than \$50 million. See NANC Report at 21.

the anticipated port-out date.”⁷ Under NANC’s A3 proposal, a LEC would instead set the 10-digit trigger “no later than 11:59 pm on the due date minus 2.”⁸ It is through accelerating the time that the 10-digit trigger is activated that NANC’s A3 proposal can eliminate up to 24 hours in the current port process.

However, it is technically feasible for a LEC to set the 10-digit trigger concurrently with its return of the port response (*aka* Firm Order Confirmation). If LECs set the trigger when they return the port response, a port request received before 2 p.m. could be activated as early as 12:01 a.m. the next day, as discussed above.

Sprint recommends that the Commission specify as guideline the minimum time for LECs to set the 10-digit trigger (upon return of the port response) rather than the maximum time before the trigger must be set (“no later than” 11:59 p.m. on the due date minus two). This simple change to NANC’s A3 proposal, which could be implemented without additional costs to LECs, could shorten the porting interval by another 24-36 hours.

II. THERE ARE OTHER ACTIONS THE COMMISSION CAN TAKE TO IMPROVE THE PORTING PROCESS FOR CUSTOMERS

NANC proposes ways to shorten considerably the current intermodal porting interval. In addition, there are structural problems in the existing porting process that, if left unaddressed, will undermine the potential benefits of any shortened interval adopted. Sprint below recommends several steps that the Commission can take to improve the porting process, both under today’s interval and under any new interval guideline adopted. Based on its one year’s experience with intermodal porting, Sprint is confident that adoption of the recommended steps below

⁷ NANC Report at 7 n.7.

⁸ *Id.* at 18.

would improve the porting experience for customers, by increasing the port success rate and reducing considerably the time needed to activate intermodal port requests.

A. THE COMMISSION SHOULD PROMPTLY REMIND ALL LECs THAT THEY MUST RESPOND TO WIRELESS PORT REQUESTS WITHIN 24 HOURS

Under current LEC industry guidelines, a LEC is supposed to respond to a wireless port request within 24 hours – the “confirmation interval.”⁹ For the five LECs that use the LSR Express method of communications (the four RBOCs and Sprint Local), Sprint PCS ordinarily receives a response within this timeframe. The situation, however, is very different with the over 200 porting capable LECs that use the fax method of communications.¹⁰ For these LECs:

- Many do not respond to Sprint PCS port requests within 24 hours;
- Sprint PCS or its clearinghouse vendor is required to follow-up on 60% of the port requests submitted to these LECs; and
- For 20 percent of its requests to these LECs, Sprint PCS *never* receives a response from the LEC.

It is apparent that there are a significant number of LECs that consistently take more than 24 hours to respond to a port request and a sizable number LECs that choose not to respond at all to wireless port requests. Interval guidelines – whether today’s 24-hour confirmation period or NANC’s proposed five-hour confirmation period – have no meaning if a LEC consistently ignores the specified period. And delays in the confirmation period necessarily result in needless delays in activating valid port requests (because delays in the confirmation period postpones the start of the activation period).

⁹ See *Porting Interval NPRM* at ¶ 5; NANC Report at 5-6.

¹⁰ The FCC needs to understand that most incumbent LECs do not offer intermodal porting today. Although there are over 1,300 incumbent LECs, see *Porting Interval NPRM* at 26, Sprint PCS, a national carrier, has ported with only about 250 incumbent LECs

Sprint therefore encourages the Commission to remind all LECs of their obligation to respond to port requests within 24 hours. Sprint urges the Commission to issue promptly a public notice reminding all LECs of their obligation to respond to wireless port requests within 24 hours, at least for most port requests.¹¹

B. THE COMMISSION SHOULD STANDARDIZE AND SIMPLIFY THE VALIDATION PROCESS

Customer validation is an important part of the porting process because it helps ensure that the old and new carriers are dealing with the same customer. But the validation process can also lead to substantial delays in the porting process (which frustrates customers) and impose additional and unneeded costs on old and new carriers alike (as additional time and resources are expended in the conflict resolution process). Consider the following with regard to the large LECs that use the more efficient LSR Express method of communications

- On average and even after one year of experience, only 50 percent of all port requests that Sprint PCS submits to these LECs are confirmed on the first attempt;
- The remaining 50 percent of initial port requests are generally rejected because information in the particular LSR validation fields used by the LEC does not match exactly;
- Largely because of the delays associated with resubmitted requests, customers eventually cancel about 30 percent of their port requests; and
- Again, largely because of the delays associated with resubmitted requests, it takes on average eight days for Sprint to complete approximately 80 percent of the successful intermodal port requests – longer for the remaining successful requests.

The situation is much worse for the majority of LECs that rely instead on the fax process. For these LECs, Sprint PCS uses a five day “due date/time” interval (vs. the four day interval

¹¹ The FCC has issued LNP compliance Public Notices before, and such Notices have been helpful. See *Public Notice*, Wireless Telecommunications Bureau and Wireline Competition Bureau Remind Carriers Outside the 100 Largest MSAs of the Upcoming May 24, 2004 Local Number Portability Implementation Deadline, DA 04-1340 (May 13, 2004).

specified in the LEC guidelines). Yet, Sprint is able to successfully complete on average only 40 percent of these intermodal ports by the fifth day. The cancellation rate for fax-based LECs approximates 50 percent (vs. 30 percent of LSR Express-based LECs).

Most of the problems encountered with intermodal ports – high rejection rate of initial port requests, length of time to complete confirmed port requests, and high customer cancellation rates – are caused by two factors: (1) the validation fields that LECs use are not standardized, and (2) LECs use too many validation fields. Sprint urges the Commission to address this matter because the intermodal porting process would be improved considerably for the benefit of customers. Indeed, the improvements proposed by NANC will have little practical effect until this validation field issue is addressed.

1. The Commission should standardize the validation fields used with intermodal port requests. The wireless industry has agreed to use three validation fields for wireless ports (telephone number; account number or tax identification number; and zip code).¹² In contrast, LECs have not standardized the validation fields which they utilize. For example, some LECs require street addresses, while others do not. Some LECs require full name, while others do not. And still other LECs require a migration indicator, while others do not.

Experience has shown that these disparate LEC validation practices harm consumers. These disparate practices add unnecessary complexity for the thousands of wireless sales representatives as they attempt to discern what additional information each customer must provide when making an intermodal port request. These disparate practices also increase costs for both

¹² See NANC Report at 11. The wireless guidelines also permit use of a social security number as an alternative to an account or tax ID number, although SSNs are used with less frequency than in the past. PIN/pass codes may also be required, although this field is generally reserved for complex ports such as corporate-liable accounts.

wireless carriers and LECs alike, because they are forced to spend so much time in the conflict resolution process.

Moreover, customers may not have available to them at the time they want to initiate a port request the additional, special validation information that a particular LEC may require (*e.g.*, account telephone number). Some validation fields (*e.g.*, street addresses) generate a disproportionate number of rejections because, for example, the LEC may require use of “Avenue” rather than “Ave” or “Ct” rather than “Court.” These initial rejections then require the old and new carriers to expend additional resources and time (sometimes days) in the conflict resolution process, and customers generally are frustrated when told that their port date will be delayed with many ultimately canceling their ports.

2. The Commission should reduce the number of the validation fields used with intermodal port requests. Some LECs may require up to 10 different validation fields (vs. the three fields that wireless carriers use for simple ports). The more fields utilized, the greater the chance that a port request will be rejected (*e.g.*, “Avenue” vs. “Ave.”), leading to the delays and additional costs discussed immediately above.

For example, at one time, a particular LEC required wireless carriers to submit a migration indicator and a full street name address with each port request. The first month after this LEC stopped using these validation fields, Sprint’s success rate with this LEC jumped from 30 percent to 70 percent.

The Commission has recognized that only “a minimal amount of identifying information” is needed to validate a simple intermodal port request.¹³ NANC has similarly observed that “port confirmations and responses would be executed within a short time frame” if the number of vali-

¹³ See *Intermodal Porting Order*, 18 FCC Rcd 23697, 23706 n.62 (2003).

dation fields is reduced.¹⁴ Reducing the number of validation fields would “simplify the port request process” and “significantly reduce the amount of data exchange necessary.”¹⁵ As a result, there would be “fewer errors and a significantly reduced fall out percentage that could reduce the process costs associated with simple intermodal port requests.”¹⁶

Sprint submits that for simple intermodal ports, three fields – telephone number (a 10-digit numeric); state (a two-digit alpha); and zip code (a five-digit numeric) – should provide enough information for proper validation of the customer without creating fields that complicate the entry process with confusion as to the correct spelling of a street name as an example

Sprint, therefore, encourages the Commission both to standardize and to simplify the validation fields with simple intermodal port requests. This action, more than any other step the Commission might take, would improve the number of intermodal ports that are successfully completed on time. Again, the improvements proposed by NANC will have little practical effect until this validation field issue is addressed.

**C. THE COMMISSION SHOULD REQUIRE ALL CARRIERS TO USE THE SAME
LSOG VERSION**

It is standard practice that the new “porting in” carrier must use the old, “porting out” carrier’s forms. Larger LECs generally use industry-developed Local Service Ordering Guidelines (“LSOG”), but there are 10 different versions of LSOG, and it appears that at least five different LSOG versions are in use today. National carriers such as Sprint must therefore be capable of processing numerous different LSOG versions (which increases costs and can add needless delay to the porting process). The Commission seeks comment on a proposal that industry

¹⁴ NANC Report at 16.

¹⁵ *Id.* at 15.

¹⁶ *Id.* at 16.

establish “one common LSOG version for porting to facilitate a reduction in the Confirmation Interval.”¹⁷

NANC correctly notes that it is “very expensive” for national carriers to interface with so many different LSOG versions, and it recommends that the industry consider establishing “one common LSOG version because of the efficiencies that would be realized as a result.”¹⁸ Sprint concurs with these NANC observations and believes that the public interest would be served by use of one standard LSOG version.

III. THE COMMISSION SHOULD ESTABLISH A 24-MONTH IMPLEMENTATION DEADLINE

LECs obviously will need time to implement any changes that may be adopted in this proceeding, and the Commission appropriately asks for comment on the compliance deadline it should adopt.¹⁹ NANC has recommended that LECs be given 24 months to reduce the intermodal porting interval:

Based upon known information at this time, the IMG estimates that the industry would need approximately 24 months to implement the C2 proposal after an FCC mandate is issued.²⁰

Sprint agrees with this recommendation. The amount of time each LEC will require to implement any Commission order will differ based on each carrier’s current capabilities.²¹ There are two implementation approaches that the Commission could adopt: (1) impose a time frame

¹⁷ *Porting Interval NPRM* at ¶ 11.

¹⁸ NANC Report at 28-29..

¹⁹ *See Interval Porting NPRM* at ¶ 15.

²⁰ NANC Report at 4 and 30.

²¹ LECs also need sufficient time for budget cycles and to ensure proper resources, most notably scarce IT resources.

that is realistic and that most carriers should be able to meet; or (2) adopt an aggressive deadline that many LECs cannot meet, which will force some LECs to submit extension requests. This history of this docket confirms that the waiver process can consume an extraordinary amount of Commission time and resources.²² For this reason, Sprint urges the Commission to adopt the 24-month implementation deadline proposed by NANC.

The Commission also asks about “implementation milestones.”²³ Milestone reports can be helpful, but Sprint does not believe that it is necessary for the Commission to regulate the details of such reports. Sprint recommends that milestone reports be submitted to NANC every six months and that the Commission delegate to NANC the authority to specify the content of such reports, if NANC deems such action as necessary. The Commission has been an active participant in NANC and, like competitive carriers, it can evaluate incumbent LEC progress in implementing the Commission’s order based on the reports submitted to NANC.

IV. THE COMMISSION SHOULD ENTER A BLANKET WAIVER SO ILECS HAVE THE OPPORTUNITY TO RECOVER THEIR “DIRECTLY RELATED” COSTS IN COMPLYING WITH ANY NEW INTERMODAL INTERVAL ADOPTED

The Commission should enter a blanket waiver of its five-year LNP cost recovery rule so incumbent LECs have the opportunity to recover their costs “directly related” to implementing any new intermodal porting interval that the Commission may adopt in this proceeding. No one would benefit by requiring each incumbent LEC to pursue a two-step process: first seek a waiver

²² See, e.g., *Southwestern Bell Extension Order*, 13 FCC Rcd 6608 (1998); *Sprint Extension Order*, 13 FCC Rcd 7390 (1998); *Eleven Carrier Extension Order*, 13 FCC Rcd 9564 (1998); *Southwestern Bell Extension Order*, 13 FCC Rcd 9578 (1998); *Thirteen Carrier Extension Order*, 13 FCC Rcd 10811 (1998); *Eight Carrier Extension Order*, 13 FCC Rcd 12250 (1998).

²³ See *Interval Porting NPRM* at ¶ 15.

of the five-year recovery rule, and thereafter file tariffs and cost support justifying the proposed portability surcharge.

Competitive carriers can recover their portability costs “in any lawful manner.”²⁴ The Commission has similarly recognized that incumbent LECs must also have “a reasonable opportunity to recover their costs;”²⁵ indeed, the “competitive neutrality” principle embodied in Section 251(e)(2) demands no less.²⁶ The difference among industry segments is that incumbent LECs, unlike their competitors, must (a) prove to the Commission their “directly related” portability costs *via* the tariff process, and (b) recover these costs over a five-year period.²⁷

The Commission asks whether the investments incumbent LECs must make to meet any new intermodal interval adopted would be “directly related” to number portability and, therefore, appropriate for special cost recovery.²⁸ Of course, such investments would be “directly related” portability costs. Had the Commission established the intermodal porting interval before incumbent LECs were required to begin supporting intermodal porting, incumbent LECs clearly would

²⁴ See 47 C.F.R. § 52.33(b); *Portability Cost Recovery Order*, 13 FCC Rcd 11701, 11774 ¶ 136 (1998).

²⁵ *Id.* at 11775 ¶ 139. See also *id.* at 11777 ¶ 144 (“We choose the five-year period for the end-user charge because it will enable incumbent LECs to recover their portability costs in a timely fashion.”).

²⁶ See, e.g., *BellSouth Intermodal Portability Surcharge Waiver Order*, 19 FCC Rcd 6800 ¶ 15 (2004) (“We agree that precluding carriers subject to rate regulation from recovering their intermodal LNP costs, while allowing other carriers to recover such costs, would not be competitively neutral and thus would violate the statutory mandate. Moreover, it would not be competitively neutral to allow those incumbent LECs that are just now beginning to implement LNP to recover both their wireline and intermodal costs but to prohibit carriers that deployed LNP earlier from such recovery.”).

²⁷ See 47 C.F.R. § 52.33(a)(1)(five-year cost recovery rule).

²⁸ See *Porting Interval NPRM* at ¶¶ 17-18.

have been entitled to recover their “directly related” costs of implementing the interval adopted (so long as the “but for” requirement is satisfied).²⁹

The situation the Commission and incumbent LECs face relative to the recovery of intermodal interval costs is the same situation encountered with the recovery of initial intermodal implementation costs. Because of the delays associated with the commencement of intermodal portability, strict application of the five-year cost recovery rule would have precluded larger incumbent LECs from recovering many of their intermodal implementation costs. The Commission therefore entered a blanket waiver of the five-year cost recovery rule, finding that such a waiver “will serve the public interest”:

Special circumstances exist for those incumbent LECs who, due to multiple extensions of the intermodal LNP deadline and associated uncertainties, were unable to include these costs in their original LNP tariff filings and thus did not recover these costs through their original end-user charges. We find that a limited waiver of the five-year rule for these carriers is consistent with the public interest.³⁰

The very same analysis applies to the additional costs incumbent LECs will incur in complying with any new intermodal porting interval that the Commission may now adopt.³¹

The Commission also asks how intermodal interval costs might be recovered from customers.³² Once again, there is no reason from the Commission to depart from the approach it utilized with respect to initial intermodal implementation costs:

²⁹ In other words, the only reason that these additional investments might not be considered “initial implementation” costs (*id.* at ¶ 18) is because the FCC did not establish the interval before the start date of intermodal portability.

³⁰ *BellSouth Intermodal Portability Surcharge Waiver Order*, 19 FCC Rcd 6800 ¶¶ 10, 15 (2004).

³¹ It is important to remember that industry advised the FCC over six years ago that it was unable to reach consensus on the subject of the appropriate interval for intermodal porting. See NANC, *Wireless Wireline Integration Report* at § 3.3 (May 8, 1998); *Public Notice*, 13 FCC Rcd 17342 (1998). Incumbent LECs should not be penalized in recovering their “but for” costs because of delays in establishing an intermodal porting interval.

³² See *Porting Interval NPRM* at ¶ 17.

[W]e think it best to allow each carrier the flexibility to propose its own recovery period, subject to the prohibition on raising the existing charge. Carriers' proposals will be reviewed by the Commission in the tariffing process. This way, each carrier can tailor a recovery period that best suits its own needs and those of its customers. . . . [T]he incremental costs of implementing intermodal LNP are expected to be significantly less than the original costs of deploying wireline LNP. Accordingly, although we expect costs to vary among carriers, for the vast majority, the intermodal recovery period should be measured in months, not years.³³

Because intermodal interval implementation costs will be even less than intermodal initial implementation costs, the flexible approach the Commission utilized with the latter becomes even more appropriate for the former.

V. CONCLUSION

For the foregoing reasons, Sprint urges the Commission to take actions consistent with the views expressed above.

Respectfully submitted,

Sprint Corporation

By: Luisa L. Lancetti
Luisa Lancetti
Vice President, Wireless Regulatory Affairs
Sprint Corporation
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
202-585-1923

Scott Freiermuth
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251
913-315-8521

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³³ *BellSouth Intermodal Portability Surcharge Waiver Order*, 19 FCC Rcd 6800 ¶ 18 (2004).